

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ANTHONY DiPIPPO,

Plaintiff,

Case No.
17-cv-7948 (NSR)

-against-

COUNTY OF PUTNAM; Putnam County
Sheriff's Department Sheriff ROBERT
THOUBBORON in his individual capacity;
Putnam County Sheriff's Department's
Investigators DAN STEPHENS, PATRICK
CASTALDO, BILL QUICK, and Putnam
County Sheriff's Department Officer
VICTOR NESTOR, in their individual
capacities,

Defendants.

-----X
January 15, 2020
10:02 a.m.

Deposition of Non-Party Witness,

HAROLD TURNER, taken by Plaintiff, pursuant to
Notice, held at the offices of Neufeld
Scheck & Brustin, 99 Hudson Street, Eighth
Floor, New York, New York 10013, before
CHARISSE ROMEO, a Registered Professional
Reporter and Notary Public within and for the
State of New York.

A P P E A R A N C E S:

NEUFELD SCHECK & BRUSTIN, LLP

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ALSO PRESENT:

EMMA FREUDENBERGER, ESQ.

AVINASH SAMARTH, ESQ.

TY PARKS - Paralegal

1 H. Turner

2 Q. In other words, he testified
3 he had no reason to believe that there
4 were other people doing investigations
5 that he didn't know about; any reason
6 to dispute that?

7 MR. RANDAZZO: Objection.

8 A. No. I would hope he would know,
9 yes.

10 Q. And he testified that within
11 a few weeks after the body was found he
12 and Quick were the only investigators
13 on the case, no one else was helping;
14 any reason to dispute that?

15 MR. RANDAZZO: Objection.

16 A. No.

17 Q. But that would be up to
18 Stephens; you wouldn't know one way or
19 the other?

20 MR. RANDAZZO: Objection.

21 A. Correct.

22 Q. Do you recall being present
23 for any meetings with the DA on this
24 case?

25 A. I don't recall any.

1 H. Turner

2 Q. You don't recall -- would it
3 be fair to say, to the best of your
4 recollection, you were not or you are
5 not sure?

6 A. I'm not sure. I'm not sure. I'm
7 sure I had some words with the DA over this
8 case.

9 Q. When was that?

10 A. I don't remember when.

11 Q. Okay. Tell me about that.
12 Which DA did you have words with?

13 A. There was only one DA, Kevin
14 Wright.

15 Q. And approximately when did
16 you have words with Kevin Wright about
17 this case?

18 A. I don't remember.

19 Q. Was it before trial?

20 A. It might have been even before the
21 arrest.

22 Q. Before the arrest?

23 A. Might have been.

24 Q. Okay. Where did that
25 conversation take place?

1 H. Turner

2 A. In the district attorney's office.

3 Q. And who was present?

4 A. Myself, I think the sheriff was
5 there, and Eddie Johnson. Investigator might
6 have been there, I don't know. I don't
7 remember.

8 Q. And you think it was before
9 the arrests were made?

10 A. Yes.

11 Q. And what did he say and what
12 did you say?

13 A. I don't know. It was over the
14 ring, the identification of the ring.

15 Q. And what was the dispute
16 about?

17 A. There was a mark on the ring. You
18 know about that, right?

19 Q. Go ahead.

20 A. All right. The girl, Josette
21 Wright, had identified that mark as being made
22 by her dog. He had the ring in his mouth and
23 she marked up her ring; she told one of her
24 friends that.

25 Q. Josette Wright told one of

1 H. Turner

2 her friends that?

3 A. Yes.

4 Q. Okay.

5 A. When we identified the ring, I
6 believe it was that mark. They identified it
7 as hers; that's what made it different. Kevin
8 was telling me that if you look at the ring,
9 it was sized, it was cut and soldered. I said
10 yeah, I knew that, but you are saying the dog
11 made it. No, I'm saying the dead girl said
12 the dog made it and I'm not changing the
13 verbiage. That's what it was about.

14 Q. It sounds like, correct me
15 if I'm wrong, that Kevin Wright was
16 questioning whether the dog story
17 itself was accurate based on how the
18 ring looked?

19 A. No. He wanted us to have
20 identified the ring, the mark, as having been
21 sized.

22 Q. It sounds like he was
23 suggesting the mark wasn't made by a
24 dog?

25 A. Yes, it was made by the ring being

1 H. Turner

2 sized.

3 Q. He was questioning whether
4 the story you heard from Josette
5 Wright's friend was accurate?

6 A. No.

7 Q. So what was the dispute
8 about it?

9 A. Because we said this mark here,
10 Josette said it was made by her dog, he said
11 it wasn't made by her dog; he said it was by
12 the ring being sized. I'm not putting words
13 in her mouth. The dead girl identified the
14 ring by that mark; she thought her dog did it
15 and I don't know.

16 Q. He was asking you to say in
17 the reports that it didn't happen that
18 way?

19 A. That the dog didn't make it, it
20 was sized. But I'm not changing her
21 statement; she's dead.

22 Q. It was Kevin Wright asking
23 you to change the statement?

24 A. He didn't ask me to change it. We
25 were just arguing over the verbiage we used.

1 H. Turner

2 Q. He was asking you --

3 A. He didn't ask me to do anything.

4 Q. Let's be clear, sir.

5 A. I am being clear.

6 Q. You had a dispute about what
7 a witness reported?

8 MR. RANDAZZO: Objection.

9 A. We had a dispute of what made the
10 mark on her ring.

11 Q. But you had a statement
12 you're claiming from a witness?

13 A. Not a statement, but that's what
14 was said; that's what I was told was said.

15 Q. Who were you told by. One
16 of her friends?

17 A. No. Castaldo, Wright, Stephens,
18 somebody.

19 Q. They told you they learned
20 from a friend --

21 A. -- that she identified the ring by
22 the mark the dog made.

23 Q. So there must have been a
24 report of that interview, correct?

25 MR. RANDAZZO: Objection.

1 H. Turner

2 A. I doubt it.

3 Q. You just think it is
4 something they heard?

5 A. They said about the ring, this is
6 a ring and then they seen the mark on the
7 ring.

8 Q. Let me make sure I
9 understand the circumstances.

10 A. Go ahead.

11 Q. Castaldo, Quick, or Stephens
12 reported to you that a witness had told
13 Castaldo or Quick that the mark on her
14 ring had been made by a dog, correct?

15 A. That's correct.

16 Q. They reported to you that
17 the witness said that Josette had told
18 her that the mark was made by a dog?

19 A. Yes.

20 Q. You don't believe that was
21 ever documented, correct?

22 A. I don't know. I have no idea.

23 Q. You don't know one way or
24 the other?

25 A. No.

1 H. Turner

2 Q. And you were discussing that
3 with the DA?

4 A. Yes.

5 Q. And the DA was telling you
6 based on the way the ring looked, it
7 didn't appear the mark was made by a
8 dog?

9 A. Right, it was made by sizing the
10 ring.

11 Q. What specifically was the
12 dispute; what was the DA asking you to
13 do?

14 MR. RANDAZZO: Objection.

15 A. He wasn't asking me to do
16 anything.

17 Q. Well, you told me you had a
18 dispute that you had with the DA you
19 recall, you had words?

20 A. He's like saying to me, you should
21 have known the dog didn't make it or whatever.
22 That's how I took it.

23 Q. Okay.

24 A. I said the girl said this and
25 that's what I'm going with.

1 H. Turner

2 Q. Would it be fair to say your
3 understanding what he was telling you,
4 it would be best not to present that
5 witness because of the way the ring
6 looked?

7 MR. RANDAZZO: Objection.

8 A. Absolutely not. It had nothing to
9 do with witnesses. It was just a thing over
10 what made that mark.

11 Q. You told us you were
12 insistent with going with what the girl
13 told you?

14 A. Right.

15 Q. Going where with it?

16 A. When I'm talking about it.

17 Q. Putting it in a report?

18 A. I don't make reports. We were
19 talking about it. I said it was identified by
20 her that the dog made it and he said the dog
21 didn't make it. It wasn't a dispute.

22 Q. Did you talk about that
23 being an inconsistency in the evidence?

24 A. No.

25 Q. Did you talk with the DA in

1 H. Turner
2 this homicide case about the fact that
3 inconsistency might suggest that that
4 witness wasn't telling the truth?

5 A. No.

6 Q. Okay. You've described the
7 entire communication?

8 A. Basically.

9 Q. How did it resolve?

10 A. How did it resolve? I got mad and
11 went out, went back to my office.

12 Q. What were you mad about?

13 A. The fact that he's saying -- he's
14 trying to say that I think the mark was made
15 by the dog because the girl said it. No, I
16 could see it was a sizing mark, but I was
17 saying how the girl identified her ring and it
18 didn't change anything in her identification
19 of the ring. Whatever made the mark, it was
20 there. Whatever she thought was it she
21 thought.

22 Q. And, to the best of your
23 recollection, you don't recall there
24 ever being any documentation on that;
25 fair to say?

1 H. Turner

2 A. I have no idea.

3 Q. All right.

4 MR. BRUSTIN: Let's take a
5 minute break.

6 A. Documentation on what, the meeting
7 or --

8 Q. No, the documentation of the
9 witness interview.

10 A. Oh, I have no idea.

11 (Whereupon, a brief recess
12 was taken from 12:01 p.m. until
13 12:08 p.m.)

14 MR. BRUSTIN: Back on.

15 Q. One of the things Castaldo
16 testified to was that if a witness
17 asked for a favor, help with a criminal
18 charge, something of that nature, he
19 wouldn't necessarily write it down.
20 Now, I take it that based on your
21 understanding of the rules and
22 regulations, he wasn't required to
23 write that down; fair to say?

24 MR. RANDAZZO: Objection.

25 A. I don't know what you are talking